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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NEW PENN FINANCIAL, LLC DBA
SHELLPOINT MORTGAGE SERVICING;
FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff,

vs.

RIVERWALK RANCH MASTER
HOMEOWNERS ASSOCIATION;
HORN BROOK FAMILY TRUST,

Defendants.

Case No.: 2:17-CV-02167-APG-DJA

**STIPULATION AND ORDER TO
CONTINUE TRIAL**

Riverwalk Ranch Master Homeowners Association (HOA) and Ricardo Fojas (Fojas) (collectively the Parties), stipulate and agree to continue the trial currently scheduled on the stacked calendar of June 15, 2020. In support of this request, the parties state as follows:

1. A jury trial is scheduled for a stacked calendar on June 15, 2020. ECF No. 75.
2. On April 3, 2020, the Court entered a Minute Order in Chambers [ECF No. 78] vacating the Settlement Conference scheduled for May 7, 2020 due to concerns regarding COVID-19.
3. HOA and Fojas agree that there is good cause to continue trial.
4. HOA and Fojas are engaging in settlement discussions, but those discussions have been slowed due to the COVID-19 outbreak. There is good cause to continue trial to allow the parties additional time to reach settlement.

1 5. There is also good cause to continue trial due to the COVID-19 outbreak. The
2 changing events surrounding the COVID-19 outbreak and considerations of the safety and
3 health of all those who may be involved in this trial constitute good cause to continue trial.
4 State courts in this jurisdiction have now suspended jury trials and undertaken other aggressive
5 social distancing measures. *See* Administrative Order 20-13 (April 17, 2020, available at
6 [http://www.clarkcountycourts.us/res/rules-and-orders/2020-04-](http://www.clarkcountycourts.us/res/rules-and-orders/2020-04-17_10_58_29_administrative%20order%202020-13.pdf)
7 [17_10_58_29_administrative%20order%202020-13.pdf](http://www.clarkcountycourts.us/res/rules-and-orders/2020-04-17_10_58_29_administrative%20order%202020-13.pdf). The outbreak will likely prevent the
8 parties and the court from seating a jury on June 15, 2020. In addition, the outbreak has
9 impacted Fojas' ability to prepare for and attend trial. In December 2019, Mr. Fojas travelled
10 to the Philippines to attend to family matters. On his return trip, he had stopovers in China and
11 Los Angeles, California. Although the virus was not yet widely reported, we now know that it
12 was circulating in China and Los Angeles during that time. Fojas became ill upon his return to
13 Las Vegas, exhibiting a fever and flu like symptoms. He is 71 years old and continues to
14 shelter in place as recommended by the Governor of the State of Nevada for those individuals
15 in high risk groups like himself. For these reasons, there is good cause to continue trial.

16 6. The Parties agree the June 15, 2020 trial date be vacated and rescheduled for 90
17 days from June 15, 2020.

18 7. The Parties further agree the May 15, 2020 deadline to file pre-trial motions and
19 pre-trial disclosures be continued in accordance with the continued trial date set by this Court.

20 8. The Parties further agree the June 9, 2020 calendar call and related deadlines for
21 filing the parties' trial briefs, the parties' witness and exhibit lists, proposed jury instructions,
22 proposed voir dire questions (for jury trial) and proposed findings of facts and conclusions of
23 law (for bench trial) be vacated and rescheduled in accordance with the new trial date set by
24 this Court.

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9. This is the Parties' first request for a trial continuance and extension of trial related deadlines and is not intended to cause any delay or prejudice to any party. The Parties recognize the potential ongoing nature of the virus threat and will continue to discuss whether alternatives to a jury trial are appropriate for this matter.

Dated: May 18, 2020.

HALL JAFFE & CLAYTON, LLP	RICARDO FOJAS
By: <u>/s/ Ashlie L. Surur</u> Ashlie L. Surur, Esq. Nevada Bar No.11290 7425 Peak Drive Las Vegas, Nevada 89128 <i>Attorneys for Riverwalk Ranch Master Homeowners Association</i>	By: <u>/s/ Ricardo Fojas</u> Ricardo Fojas 4400 S. Jones Blvd., Unit 1025 Las Vegas, Nevada 89103 <i>In proper person</i>

ORDER

Based on the parties stipulation and good cause appearing, the jury trial currently set for June 15, 2020 is vacated and continued to November 16, 2020 at 9:00 a.m.; and the calendar call currently set for June 9, 2020 is vacated and continued to November 10, 2020 at 8:45 a.m. in Courtroom 6C. All trial briefs, proposed voir dire, proposed jury instructions, exhibit lists, and witness list are due by noon on November 10, 2020.

IT IS SO ORDERED.

DATED: May 19, 2020


UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that on May 19, 2020, I served a true and correct copy of the foregoing
STIPULATION AND ORDER TO CONTINUE TRIAL on the following parties by
depositing a true copy thereof in the U.S. Mail, first class postage prepaid and addressed as
follows:

Richard Fojas
4400 S. Jones Blvd., Unit 1025
Las Vegas, Nevada 89103

/s/Michele Stones
An Employee of HALL JAFFE & CLAYTON, LLP